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***TORONTO REGION
COURTS ADMINISTRATION***

REGIONAL REPORT

1990/91 - 1991/92

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April 14, 1992

Ms. Karen Cohl
Acting Assistant Deputy Attorney General
Courts Administration
720 Bay Street, 11th Floor
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Dear Karen:

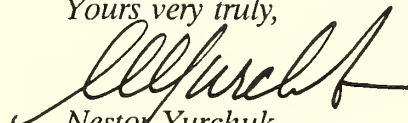
Attached is a copy of the Regional Report 1990/91 - 1991/92 for the Toronto Region of Courts Administration.

This Report is our first attempt to provide an accounting of the administrative performance of the courts in Toronto Region. We feel that as part of our management responsibility for administering the courts, we have an obligation to report on the pressures experienced by the justice system and its consequent administrative responses. In this sense, the Report is not unlike an annual report to the shareholders of a corporation and to the community in which it operates.

Also, by summarizing the results achieved in the administration of the courts in the Toronto Region we would like to recognize those staff, crown attorneys, members of the bar, judiciary and others who are working under very challenging conditions to provide fundamental court services in the largest metropolitan centre in Canada.

As it is our intention to produce the Regional Report on an annual basis, I would appreciate your feedback regarding the format and content of the Report for future versions. In addition, if you would like to obtain additional copies of the Report I would be pleased to provide them to you.

Yours very truly,


Nestor Yurchuk
Executive Director

cc: Members of Senior Management Committee
Members of Courts Administration Management Committee

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INTRODUCTION

Toronto is the largest urban centre in Canada, with a high volume and complex court operation which has special demands unique to a growing metropolitan centre. In an area which hosts more than 50% of the practising bar in Ontario, the Toronto courts have an average of 10,000 people per day passing through their doors. This does not include the 275 judges, masters and justices of the peace, the more than 140 crown attorneys and provincial prosecutors, the 1,200 court staff as well as police, legal aid, probation services and other agencies' staff who are dedicated to ensuring that the courts continue to deliver quality justice in their city.

In 1989, with the advent of court reform and the regionalization of courts administration services in this province, the Toronto Region became a formally distinct management entity. Now that the initial "set-up" period has stabilized and the infrastructure for the region is taking shape, the courts administration management team of the Toronto Region would like to provide an overview of the region's operations and give an accounting of how the region has operated during the past two years.

Reports on the operation of the justice system tend to focus on the most visible participants in the process; the judiciary, lawyers, accused persons and litigants who are before the courts. While it is only through the combined efforts of these and other participants that the court system is able to function, the vital role of courts administration is often overlooked. This report is intended to draw attention to the challenging task of managing in a large and complex urban court environment.

By presenting in a comprehensive way the extent of the increasing caseload that must be dealt with and the limited resources available to get the job done, this report should provide the reader with a sense of the unique conditions facing court staff in Toronto. While the focus of the report is the courts administration component of the court system, the achievements outlined in this report are the result of the co-operative efforts of all participants in the system working together to reach a common objective: to deliver a high standard of justice services to the people of Toronto.

Throughout this report, statistical data is presented in a variety of charts and graphs. While this format may at first glance appear to be unduly technical, the numbers are included in recognition of courts administration's historical difficulty in supporting claims regarding the court system's performance and resource requirements with anything but anecdotal justification. Efforts to collect and analyze various types of management information have intensified throughout the Courts Administration Division in the past 3 years. This report has taken advantage of the availability of this data in order to present a clear picture of the pressures facing the Toronto Region, the resources that it has available and the performance it has been able to achieve.

The Ministry of the Attorney General's Court Statistics Annual Report for 1990/91 is the source for the statistical data contained in this report with three exceptions. The data for criminal matters in the General Division is taken from the source documents maintained by the court office as it is more comprehensive than the Court Statistics Annual Report. Statistics for the number of Provincial Offences Part I and III matters pending have been obtained from the Provincial Court Criminal Division Activity Summaries and the February 28, 1992 ICON report as the Annual Report only gives one year of information. In addition, data on courtroom hours is taken from the daily courtroom utilization sheets maintained by the court offices and Ministry reports produced from these source documents by the Information Planning and Court Statistics Section.



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1990 AND 1991 HIGHLIGHTS

The most significant challenge facing the court system in Toronto today and for the past two years has been to continue to maintain the existing level of justice services in the face of increasing caseloads and reduced resources. The Toronto courts have been able to respond to this challenge primarily because of the dedication of court staff and all those working in the court system. In addition to maintaining the level of services traditionally provided, a number of improvements to further enhance the operation of the courts in Toronto have been introduced over the past two years. The following is a brief synopsis of these improvements, with an emphasis not only on giving credit to those responsible but also on identifying the impact of these initiatives on the service delivered to the public.

CRIMINAL CASE DELAY REDUCTION

One of the most important administrative issues facing modern court systems is to achieve and maintain an acceptable time period for dealing with criminal cases. Following the Supreme Court of Canada's decision in the 'ASKOV' case in October of 1990, efforts to remedy the problems of criminal delay were intensified throughout the province.

A number of innovative programs to expedite the processing of criminal matters through the court system have been implemented in Toronto. Local Delay Reduction Committees, involving representatives from the judiciary, crown attorneys, defence bar, court management, legal aid and the police, have been established in Provincial Division criminal court locations, to jointly develop solutions to the problem of 'unreasonable delay'.

Other examples of initiatives to reduce delays in criminal courts include the implementation of an individual calendaring system by the Regional Senior Judge in Metro West in the Fall of 1991. This system has proven successful at the Old City Hall and College Park court locations. In addition, pre-trials in the Provincial Division criminal courts in Toronto are now held in order to promote early disclosure of the case, reduce the requirement for witnesses and police officers to attend unnecessarily as well as permit both sides an opportunity to narrow the issues and reduce the time required for trial.

In the General Division criminal courts, the Regional Senior Justice implemented the Criminal Law Trial Project, which is based on a "dedicated team scheduling concept" to process the court's caseload. This system, which was established in cooperation with the crown attorneys and defence bar, involves five teams of judges and 18 courtrooms at the 361 University Avenue court house, with each team handling the case flow from a designated area in the Toronto Region. Each team sets their own pre-trials, assignment court and trials. To date, the project has been successful in ensuring that criminal cases are processed expeditiously by the General Division, as evidenced by reduced waiting times for trial and a reduction of the backlog, while also creating a criminal scheduling system that enables the judiciary to better manage the flow of cases through the court.

CIVIL AND FAMILY CASE MANAGEMENT

In response to concerns regarding the high cost of civil litigation in Ontario and the protracted time required to complete an action, a series of case management pilot projects were initiated by the Joint Committee on Court Reform. Case management systems, which have been successfully implemented in some United States jurisdictions, give the court control over the various stages in the litigation process which have been traditionally monitored by counsel and to some extent by the court through status hearings.

Toronto was established as the last of three pilot sites to implement a case management project, following the implementation of similar projects in Windsor and then Sault Ste Marie. Sponsored by the local bar and supported by the judiciary and the Ministry of the Attorney General, case management was implemented in the civil and family offices of the Toronto General Division and in the Metro Central family office of the Provincial Division on December 2, 1991. Staff in these offices were instrumental in developing procedures and practices to put into effect the concept of case management in Toronto. As this pilot project has only recently been implemented, the impact of the program has not yet been determined. However, the response to the project by the bar has been positive.

TECHNOLOGY

Criticism of the court system in Ontario is often directed at the lack of modern automated systems in the courts. In 1990 and 1991, Toronto Region has achieved some progress in bringing the courts in Toronto into the technological age. While there is still much to be accomplished, a number of initiatives were successfully implemented to take advantage of the efficiencies of automation.

Integrated Court Offences Network (ICON) - Ontario Court (Provincial Division)

In 1991 the implementation of the Integrated Court Offences Network (ICON) system was completed in Toronto Provincial Division courts. ICON performs a variety of administrative functions, including on-line case enquiry, event scheduling, financial tracking and statistical reporting for criminal, young offender and provincial offences. Whereas previously each court operation was relatively self-contained, ICON enables different court locations to transfer information between courts electronically.

Since its implementation, feedback provided by court staff across the province has resulted in continuing improvements to the ICON system in order to enhance the accessibility, accuracy and flexibility of the network.

Automation of the Ontario Court (General Division) Litigation Services

In order to accommodate the implementation of the Civil Case Management Pilot Project in the Toronto Region, the two civil litigation offices and the family office of the Ontario Court (General Division) were automated in the Fall of 1991. In conjunction with the Technology Services unit of the Program Development Branch, General Division managers, staff and user analysts reviewed existing office procedures to develop an operations plan for the automation and to provide on-going support following implementation.

SUSTAIN, the program used to keep track of the more than 60,000 civil and family cases commenced annually in the General Division in Toronto, will give the judiciary and staff access to case information more quickly than the former manual system, while eliminating duplication and the incidence of misplaced documents. A customized computer program developed for case management in the Provincial Division family office will provide similar functions. This translates into faster and more reliable service to the public and more efficient use of valuable staff resources. The automated system will also provide management with quicker access to meaningful management information.

PROVINCIAL OFFENCES NIGHT COURT

The demand for night court trial times for minor traffic offences and parking violations has exceeded the Toronto courts' capacity to provide trial dates within a reasonable time period. In order to accommodate the public's preference for night court trials, the Coordinator of Justices of the Peace and the Toronto Regional Office implemented an interim pilot project to provide justices of the peace to preside over 6 additional night courts throughout the region. This was accomplished by diverting resources from some day-time minor traffic courts and creating a 1:00 p.m. to 9:00 p.m. shift for six justices of the peace. This plan has also enabled additional non-custody criminal matters to be scheduled during the day-time in the 6 courtrooms previously used for minor traffic. This scheduling change will be reviewed after 6 months of operation to determine the merits of extending the time period of this arrangement.

COURT FACILITIES

Court facilities in the Toronto Region range from the historic and beautiful Osgoode Hall, which houses the Court of Appeal for Ontario, through the equally historic yet frantic atmosphere of the Old City Hall courts, to a number of courts operating in retail and industrial plazas. While it has long been recognized that new court facilities are required throughout the region, a number of interim projects were completed during 1990 and 1991 to address a variety of immediate accommodation concerns. These projects provided improvements to facilities for the public, judiciary, crown attorneys, police and staff throughout the Region, with special emphasis on renovations as well as alterations involving security requirements.

In January of 1990, the Metropolitan Toronto Police assumed responsibility for security in court houses. Working co-operatively with the police and local managers at each location, a number of improvements were made to enhance security for in-custody accused and the public, while providing additional accommodation for the police staff assigned to the courts. These projects included the construction of a holding facility for young offenders at the Metro Central family court location, 311 Jarvis Street. Additional young offenders cells were also provided in the North York and Scarborough family court locations, and improvements were made to the holding cells in the Etobicoke family court. Extensive renovations to the main cell area and police offices at the criminal court in Etobicoke were also completed, providing expanded space for the growing caseload at this court location. Plans to provide additional cells at the Old City Hall were also finalized, and construction was started with completion planned for September of 1992.

STREAMLINING OF OPERATIONS

In 1990, Old City Hall, the largest criminal court location in the province, was reorganized both in terms of the administrative structure and facilities. Following an in-depth review, the organization was streamlined to reduce the number of administrative units from twelve sections to six sections. This re-structuring required a review of existing operational practices and procedures to devise new methods for completing the work with fewer resources. In what has become known at the Old City Hall as "the move", staff and equipment were relocated to reflect the streamlined organization. The results of these efforts have been improved customer service and increased morale among staff.

In August of 1991, a plan to implement modifications to the organizational structure of the largest court administration unit in Ontario, the Metro Central (General Division), was announced. Following a period of extensive consultation with the judiciary, the bar and court management, a structure was developed to group the various offices currently reporting directly to the court services manager into five sections, each with its own manager. Recruitment for several of these key management positions is now under way. It is anticipated that the new structure will enable the court to process its increasing workload more effectively.

In addition, an extensive suggestions campaign was initiated among all staff in the Toronto Region to take advantage of a wide variety of ideas which would assist management in identifying ways to cut costs, increase revenues and improve the overall operation of the courts. This campaign was part of a government-wide initiative to promote consultation with all staff. Hundreds of ideas were submitted, many of which have already been implemented and numerous others which are being further reviewed. It is intended that the campaign will act as a catalyst to continuing consultation and participation with court staff.

PRESSURES ON THE SYSTEM

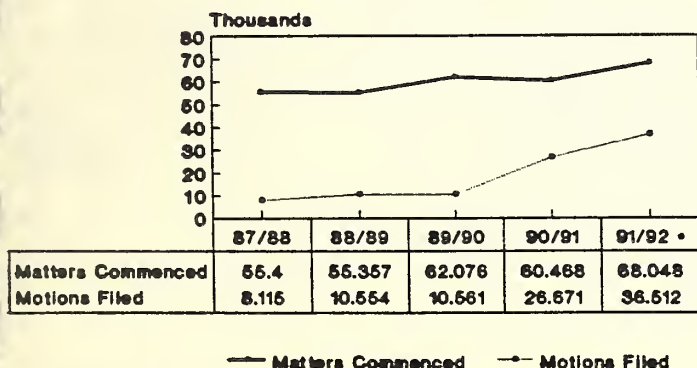
The volume of cases which enter the justice system, whether they are criminal, civil, family or provincial offences, is a function of a multitude of external pressures. Changing demographics, the 'health' of the economy and the crime rate are all inherent factors which impact on the number of cases the system is faced with each year. As the rate of growth in the caseload exceeds the availability of resources, managing the court system at acceptable service levels becomes more challenging.

CASELOAD

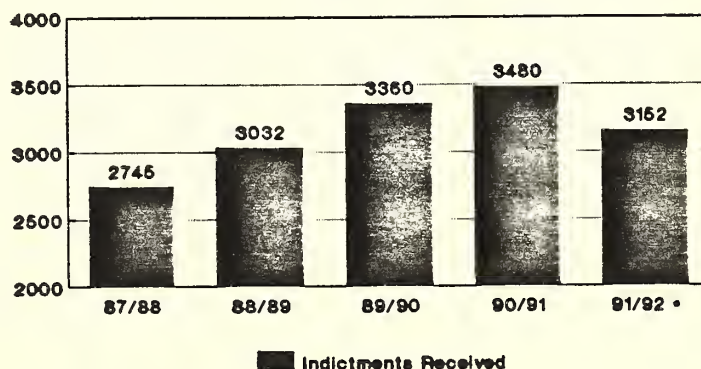
A good measure for assessing the pressure on the court system is a count of the number of cases or charges received by a court office. While only a portion of these cases will proceed to trial, even without the involvement of a judge in the courtroom setting, each incoming case must be processed by court office staff and therefore represents a unit of work to be completed.

On this basis, it is evident that the pressure on all levels of the court system in Toronto Region has been rising steadily over the past five fiscal years. (Note that the government fiscal year runs from April 1 to March 31). In the General Division, the number of civil and family proceedings commenced has increased by almost 23% in the past five years, accompanied by a dramatic increase of almost 350% in the number of motions filed during the past five years (Chart #1). The number of criminal indictments received has also increased by almost 15% between 1987/88 and 1991/92 (Chart #2). The number of criminal cases in the General Division in 1991/92, most of which originate in the Provincial Division, decreased from the caseload received in 1990/91 due to the volume of cases which were stayed, dismissed or withdrawn in the Provincial Division as a result of the ASKOV decision in October of 1990. The implementation of new pre-trial procedures and more stringent screening by crown attorneys has also contributed to a reduction in the number of criminal indictments received in the General Division.

**CHART #1
CASELOAD
GENERAL DIVISION
CIVIL & FAMILY**

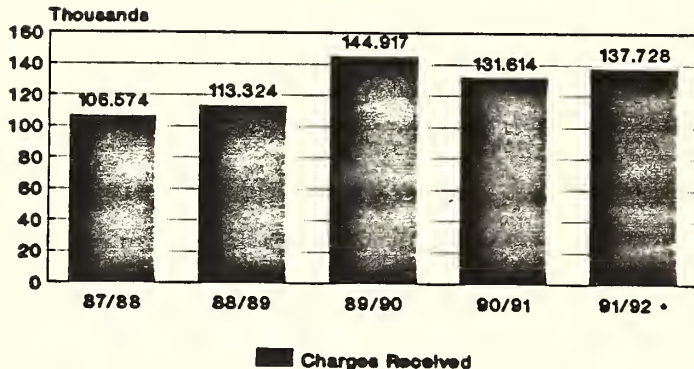


**CHART #2
CASELOAD
GENERAL DIVISION
CRIMINAL**



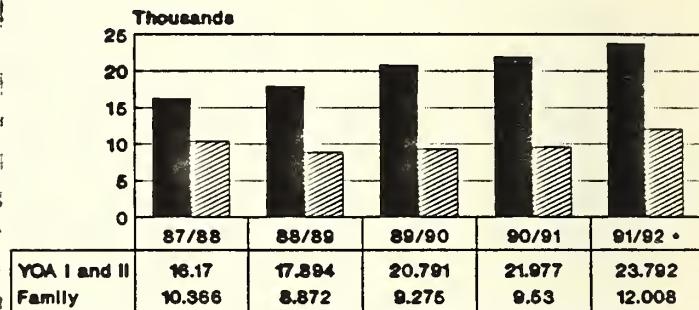
In the Provincial Division, the volume of criminal charges received increased more than 29% in the five years between 1987/88 and 1991/92 (Chart #3). Charges laid against young persons also rose substantially by 47%, while the number of family proceedings commenced increased by almost 16% in the past five years (Chart #4). The most dramatic increase in caseload experienced by the Provincial Division is in the area of parking offences, which have increased from 734,604 parking tags filed in 1987/88 to more than 1.2 million in 1991/92, representing an increase of 67% over this period of time (Chart #5). This increased volume in parking tags follows the implementation of simplified and more effective fine enforcement procedures under Part II of the Provincial Offences Act which was implemented in Toronto in September of 1989.

CHART #3
CASELOAD
PROVINCIAL DIVISION
CRIMINAL



■ Charges Received

CHART #4
CASELOAD
PROVINCIAL DIVISION
FAMILY & YOA

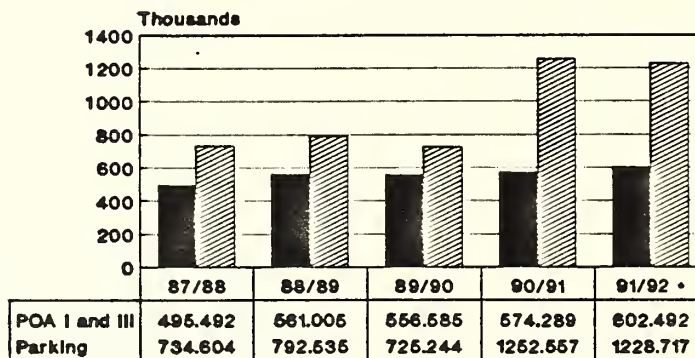


■ YOA I and II ▨ Family

* Annual based on 10 months actual data

* Annual based on 10 months actual data

CHART #5
CASELOAD
PROVINCIAL DIVISION - POA



■ POA I and III ▨ Parking

* Annual based on 10 months actual data

WORKLOAD INDICATORS

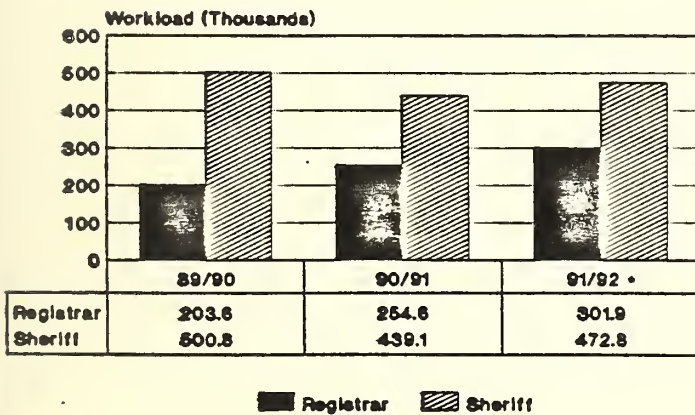
This growth in pressures or demands on the court system in Toronto Region is further substantiated by increases in a series of workload indicators developed by the Courts Administration Division. Designed to provide a 'snapshot' of administrative workload, these indicators are a combined measure of the pressures on the system and its consequent response. The workload indicators have been used to allocate resources among the eight regions in the province since fiscal year 1990/91. Consequently, data for these indicators is only available for the past three years. The detailed components of the workload indicators are set out in Appendix #1.

Workload indicators provide consistent all-inclusive numbers to establish the amount of work performed by the resources in a court office. These numbers can then be compared for similar activities in different court offices across the province. The workload indicators will require continual refinement to ensure that they fairly depict the various work components being performed in a region. The indicators do not pretend to provide a precise, weighted count of all activities performed in the courts, but represent a set of significant activities to provide a consistent means of analysis.

According to the workload indicators for the Toronto Region, the combined volume of work emanating from the General Division's criminal, civil and family caseload processed by the office of the registrar has increased by over 48% between fiscal years 1989/90 and 1991/92 (Chart #6). The workload in the office of the sheriff has declined by 5.6% during the same period of time. In the Provincial Division, workload activity indicators show a 37% increase in criminal, family, young offender and provincial offences work over the same period of time (Chart #7).

CHART #6

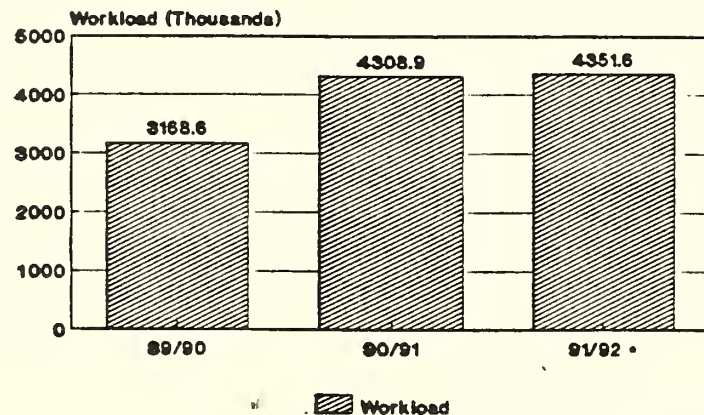
WORKLOAD INDICATORS GENERAL DIVISION



Annual based on 11 months actual data

CHART #7

WORKLOAD INDICATORS PROVINCIAL DIVISION



Annual based on 11 months actual data

CASELOAD CHARACTERISTICS

While the workload and caseload statistics themselves indicate significant increased pressures on the court system, changes in the composition of the caseload entering the courts, although not easily measured, must also be considered in any discussion of changing demands. The proportion of complex criminal charges, especially homicides, has increased dramatically over the past 5 years: from a total of 60 murders in 1987, to 87 murders in 1991. This represents a 45% increase in the number of time-consuming murder trials which must be accommodated by the system. The incidence of more sophisticated crimes, such as complicated fraud cases which can result in trials lasting several years, has also increased. This translates into significant additional workload for judges, crown attorneys and court staff.

The increasing number of criminal cases before the courts involving Charter-related arguments has also had an impact on the complexity of the caseload, usually resulting in longer trial times, especially in the General Division. Often Charter-related arguments require more hearing time than the actual trial of the charge itself.

Tougher penalties for drinking and driving offences have also resulted in more defendants choosing to proceed to trial for these types of matters. The one year mandatory licence suspension which accompanies a conviction for impaired driving represents a significant hardship for most people. Consequently, fewer accused are willing to plead guilty, as a trial is the only opportunity to avoid a severe penalty.

The continuing 'war on drugs' has also caused significant increases in the number of charges entering the court system. In a metropolitan centre such as Toronto, police efforts to combat drug abuse, especially "crack houses", have been intensified, resulting in more drug-related charges being laid and an increased demand for court services such as bail hearings outside of "regular" operating hours.

RESOURCES 1987/88 TO 1991/92

The court system's ability to successfully respond to the additional workload pressures created by increasing caseloads is in large measure dependent on the level of resources available to the program. This section of the report presents an overview of the resources used to operate the courts in Toronto Region, in terms of both budget dollars as well as people and physical resources.

FINANCIAL

Funding for Courts Administration in Ontario

CHART #8
(Millions)

	1987/88	1988/89	1989/90	1990/91	1991/92
Ontario Government Budget	\$34,941.9	\$38,734.9	\$41,602.4	\$46,515.0	\$52,761.0
Ministry of the Attorney General (M.A.G.)	\$381.6	\$415.3	\$488.0	\$555.3	\$605.9
- Less Transfer Payments for Ontario Legal Aid Plan (O.L.A.P.)	<u>- 88.1</u>	<u>- 105.3</u>	<u>- 125.8</u>	<u>- 149.2</u>	<u>- 163.4</u>
Ontario Legal Aid Plan (O.L.A.P.)	\$293.5	\$310.0	\$362.2	\$406.1	\$442.5
Courts Administration¹	\$169.4	\$170.7	\$195.2	\$216.4	\$226.2
M.A.G. % of Ontario Government Budget Including O.L.A.P.	1.1	1.1	1.2	1.2	1.1
Courts Administration % of M.A.G. Less O.L.A.P.	57.6	55.1	53.9	53.3	51.1

¹ Excludes Support and Custody Order Enforcement Program and the Family Support Plan

Source: Public Accounts 1987/88, 1988/89, 1989/90, 1990/91
MAG Notes on Estimates 1991/92

Over the past five years, the Ministry of the Attorney General has been allocated between 1.1% and 1.2% of the total provincial budget, as illustrated in Chart #8 above. The percentage of the total Ministry budget allocated for the administration of the courts, less funding provided for the Ontario Legal Aid Plan, has varied between 57.6% in 1987/88 and 51.1% in 1991/92. Overall Ministry allocated funding for courts administration has increased by 33.5% over the past five years, with a 4.5% increase between 1990/91 and 1991/92.

Funding for Courts Administration in the Toronto Region**CHART #9**

(\$ 1,000's)

Actual Expenditures	87/88	88/89	89/90	90/91	91/92 *	Avg. Annual Increase
Salaries	26,277.2	26,586.6	29,488.3	29,851.0	33,585.6	6.5
- Less: Pay Equity				(1,335.7)	(1,335.7)	
Adjusted Salaries	26,277.2	26,586.6	29,488.3	28,515.3	32,249.9	5.5
Benefits	3,304.8	3,305.6	3,387.2	4,939.7	4,667.1	10.7
Direct Operating Expenditures	17,093.4	18,512.2	16,378.4	17,496.0	18,307.5	2.1
Total Expenditures						
- Unadjusted	46,675.4	48,404.5	49,254.0	52,286.7	56,560.2	5.0
- Adjusted	46,675.4	48,404.5	49,254.0	50,951.0	55,224.5	4.3

* Based on 10 months actual expenditures

Source: Finance Branch Summary Reports

Chart #9 above provides a five year comparison of the actual expenditures for courts administration in Toronto. This chart also adjusts the five year actual comparison by removing the more than 1.3 million salary dollars provided for pay equity adjustments to salaries in the region. Pay equity funding does not provide dollars which impact on program operations because it is aimed at ensuring parity within existing salaries and not at increasing the number of staff resources. When pay equity is factored out of the 1990/91 and 1991/92 salary figures, the average annual increase in total expenditures over the five year period drops from 5.0% to 4.3%, with an average annual increase in salaries of 5.5%.

While the expenditures in Chart #9 indicate the percentage increases in actual and adjusted salary and direct operating costs for courts administration in Toronto Region over a five year period, they do not take into account the real value of those dollars. In order to accurately reflect the real changes in the region's funding, the annual cost-of-living-increase and inflation rate must also be considered.

As with the pay equity award, cost-of-living increases enlarge the size of the region's salary budget but not the number of person years available to do the work. The five year average cost-of-living increase awarded to government staff is 5.6% and the average increase in salaries, adjusted for pay equity, over this same period is 5.5%. Therefore, during this five year period the increases to the salary budget have virtually all been applied to the cost of living increases rather than to hire additional staff. In addition, in the last three fiscal years there has been a shortfall in Management Board funding for cost-of-living increases. This shortfall has been partially offset by not filling some vacancies when they occur.

In reviewing the region's growth in direct operating expenditures, a similar factor must be considered, namely the annual inflation rate. The average annual inflation rate in the past five years was 5%, however D.O.E. expenditures have increased by an average of only 2.1%. Therefore, the inflation reduces the region's real D.O.E. spending power.

Discretionary Spending

The Region's flexibility in managing expenditures to meet budget constraints is determined by the amount of expenditures that are discretionary as opposed to those that are demand-driven or fixed.

Demand-driven costs can be divided into two categories. The first category consists of demand driven salary substitutes, or those costs which would be paid from salary dollars if court staff were providing the service. The cost of fee-for-service process servers, court reporters and interpreters are examples of this category of costs. The level of costs for these services is directly determined by the caseload before the courts. Similarly, a second category of costs are demand-driven operating expenses, such as the cost of data-processing, juror and witness fees and mail. These costs are also determined by the level of workload activity before the courts.

Finally, fixed operating costs such as telephones and equipment rental are a cost of doing business which cannot be avoided, except by closing sections of the operation.

Once all of these demand-driven and fixed costs are accounted for, any residual funding can be devoted to discretionary spending on items such as staff training, office equipment, computer hardware and software, printing, travelling, as well as furniture, furnishings, fixtures for offices, judges' chambers and courtrooms. In times of expenditure constraints it is the discretionary expenditures that are reduced in order that courts can continue to provide essential services.

CHART #10

(\$1,000)

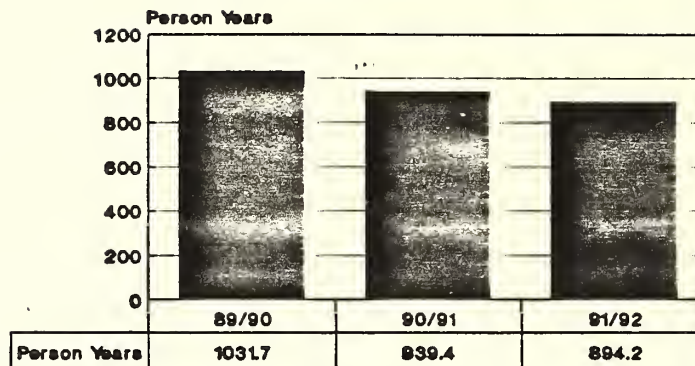
	1989/90	1990/91	1991/92
Total Expenditures	49,254.0	52,286.7	56,560.2
Discretionary DOE	1,452.8	2,387.4	1,044.1
% of Total Expenditures	2.9%	4.6%	1.8%

In the 3 years since regionalization, the amount of discretionary spending as a percentage of total expenditures in the Toronto Region has been reduced from 2.9% in 1989/90 to 1.8% in 1991/92 (see Chart #10). As the amount of funding for discretionary spending within the region declines, the region's flexibility for managing budget constraints is also reduced.

PEOPLE

Court Staff

CHART #11
PERSON YEARS



Sources: MAG Notes on Estimates
Operating Budget Submissions
Regional Staffing Profiles

■ Person Years

Chart #11 indicates the change in the Toronto courts' staffing levels over the past three years. Person years are used as a measure of staffing resources in order to account for the numerous part-time staff employed in the courts. Chart #11 shows an average annual reduction of 4.7% in person years working in the Toronto Region over the past 3 years.

While the actual number of staff in the region has remained relatively stable, the number of hours part-time personnel work has been reduced, thereby partially accounting for the reduction in person years. In addition, a number of program and legislative changes have impacted on staffing levels in this three year period. Such changes include the implementation of Bill 187 in January of 1990 which transferred responsibility for security in the courts to the police. This resulted in a substantial person years reduction in the number of court services officers previously providing this service in the General Division. Streamlining of the courts administration operations following the implementation of court reform in September of 1990 also resulted in some reduction in person years.

The implementation of the ICON system in the Provincial Division contributed to a reduction in the number of person years required at this court level. The automated system provided numerous efficiencies in the areas of data entry, financial control and provision of management information.

As mentioned above, the salary dollars available to the Region have been flat-lined over the past five years, once actual salary expenditures are adjusted for pay equity and the cost-of-living increase has been taken into account. However, at the same time the number of staff person years has been reduced. This reduction has been necessitated by the underfunding of the cost of living awards granted to government employees, budgetary constraints imposed by Management Board, as well as the need to fund annual merit increases to those employees who were entitled to them.

Judiciary**CHART #12**

	87/88	88/89	89/90	90/91	91/92
Federal Judges	District Court	District Court			
Full-Time	32	32	63	68	74
Supernumerary	3	3	16	22	21
	High Court*	High Court*			
	48	48			
	8	9			
Masters					
Full-Time	12	12	12	12	11
Part-Time	1	1	1	1	2
Provincial Judges					
Criminal	49	51	49	53	54
Family	14	14	14	15	14
Small Claims Court	9	9	9	7	6
Justice of the Peace					
Full-Time Presiding	47	47	47	47	47
Part-Time Presiding	12	12	12	12	12
Full-Time Non-Presiding	1	1	1	1	1
Part-Time Non-Presiding	17	17	17	17	17

* Represents total number of high court judges available to hear matters for entire province.

The number of judges, masters and justices of the peace available to hear matters in the Toronto Region is illustrated in Chart #12.

Masters adjudicate a variety of specialized matters in Toronto. Due to changes to the Courts of Justice Act, as the existing masters retire they are not replaced by new appointments and much of their work is taken over by the General Division judiciary. This will result in a gradual decline in the judicial resources available to hear certain matters in the General Division, unless the masters are replaced with subsequent additional judicial appointments.

In response to the ASKOV decision, 4 additional judges were appointed to the General Division and 5 to the Provincial Division in Toronto to assist in reducing the backlog of criminal cases. The additional ASKOV appointments to the Provincial Division in Toronto have to a large extent been offset by vacancies and retirements, resulting in only a minimal increase in the number of judges available to manage the rapidly increasing caseload.

Number of Courtrooms

CHART #13

COURT LOCATION	1987/88	1988/89	1989/90	1990/91	1991/92
General Division	50	50	50	51	53
Provincial Division					
Metro Central	46	46	46	46	46
Metro West	17	17	17	17	17
Metro North	16	17	18	18	18
Metro East	12	13	13	13	13
TOTAL	141	143	144	145	147

The construction of courtrooms is one of the Ministry's most significant expenditures, with the estimated cost of constructing one jury courtroom being approximately \$1 million. This includes the cost of providing all ancillary areas, such as administrative space, judge's office, interview rooms, crown attorney's office, public waiting area, etc.

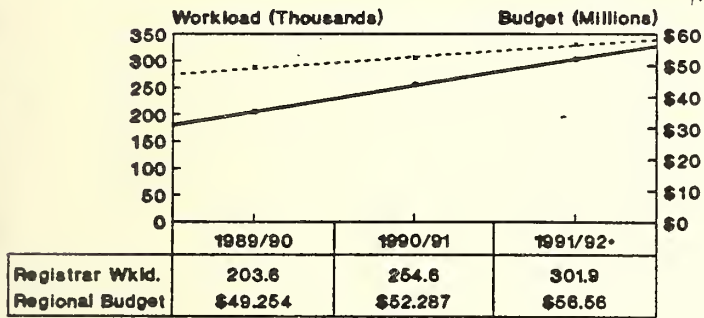
In the past five years, Toronto Region has increased the number of courtrooms available for the hearing of cases by 6 courtrooms (see Chart #13 above). This represents a 4.3% increase in the number of courtrooms available in the last five years. Two of these additional courtrooms are maintained by the Ministry for Royal Commission hearings but are currently being used by the General Division. Appendix #2 provides a map of the Toronto Region, with each court location and the number of courtrooms identified.

CONCLUSION

Charts #14, #15 and #16 show a comparison of the General Division and Provincial Division workload indicators discussed in the preceding section, and the resource levels in terms of budget allocations for the three year period between 1989/90 and 1991/92. The solid lines in these charts represent the rate of increase of workload while the dotted lines show the rate of increase in the regional budget. The steeper the slope of the line, the greater the rate of increase. This comparison illustrates a trend where workload pressures in the General Division registrar's and Provincial Division's operations have increased at a rate which exceeds the rate of increase in funding, as indicated by the steeper slope for workload in Charts #14 and #16. A total increase in budget resources over the past three years of 14.8% has been provided to manage an increased workload of 48% in the General Division registrar's operation, a slightly decreased workload of 5.6% in the sheriff's operation and a more than 37% workload increase in the Provincial Division. As a result, the court system in Toronto has been faced with the need to do more with less for at least the past three years.

CHART #14

WORKLOAD AND RESOURCES GENERAL DIVISION REGISTRAR

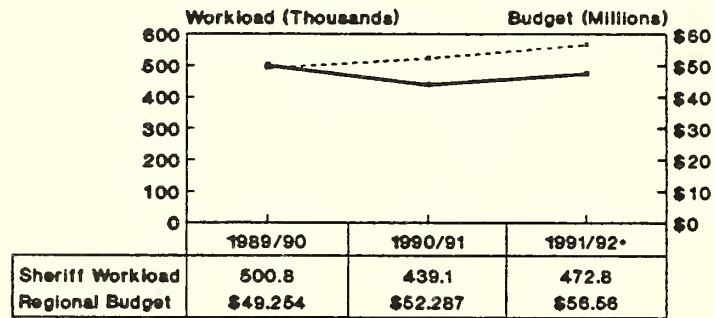


— Registrar Wkld. - - - Regional Budget

* Annual based on 11 months actual data

CHART #15

WORKLOAD AND RESOURCES GENERAL DIVISION SHERIFF

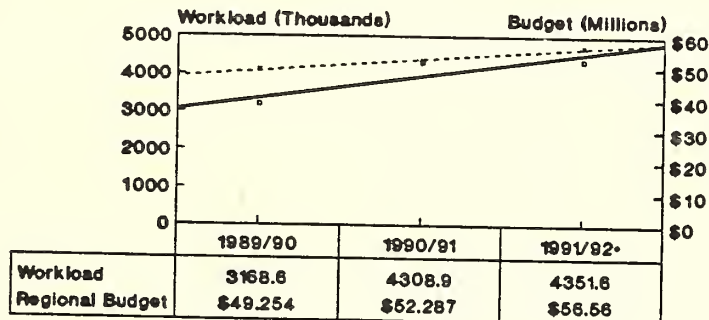


— Sheriff Workload - - - Regional Budget

* Annual based on 11 months actual data

CHART #16

WORKLOAD AND RESOURCES PROVINCIAL DIVISION 1989/90 TO 1991/92



— Workload - - - Regional Budget

* Annual based on 11 months actual data

PERFORMANCE INDICATORS

Every organization must have measures that allow it to assess how efficiently and effectively it carries out its mandate. This is especially important when the organization is under stress from an increasing workload and a declining availability of resources.

The Toronto Region of Courts Administration is not exempt from this requirement. It must also have ways to measure, on a consistently ongoing basis, the level of service it provides to the users of the court system, the efficiency of its operations as well as the efficiency with which it uses its human and capital resources. The first measure will allow it to assess the impact of various resources related to decisions on court users while the latter two will assist it in accounting for the administration of courts and in justifying the need for additional resources.

In keeping with this approach, this section of the report has taken some commonly used courts administration performance measures and has grouped them into four categories. This has been done to create a simple, easily understood way of providing an overall assessment of the performance of a large and complex court system. A brief description of each of the four categories is followed by their application to the General and Provincial Divisions in the Toronto Region.

Time to Trial

The amount of time an accused or parties to a civil case have to wait before their matter comes to trial is an important and fundamental performance indicator in the court system. In criminal matters, the recent ASKOV decision has reinforced the fundamental Charter right of a "speedy trial" for accused persons. For both criminal and civil matters, extended delays waiting for a trial date can serve to weaken witnesses memories and cause increased costs for all parties involved. Lengthy delays also tend to tarnish the administration of justice in the eyes of the public.

Court Office Service Levels

The other category of performance measures that describe the direct level of service to the users of the court system deal with the waiting time associated with the various functions of the court office. How long does a client - whether a lawyer, law clerk, accused or unrepresented party - have to wait at an administrative office for a response, whether it is to be served at the counter or to have an order signed and entered. The range of activities covered by this group of indicators is extensive, and it is difficult to compare the actual performance statistic to any acceptable standard, as a reasonable waiting time is dependent on the court location. While an average of a one hour wait to file 5 claims in Welland may be considered unreasonable, a similar wait in Toronto may be considered acceptable due to the large number of clients filing a high volume of claims on a daily basis.

Pending Caseload

The extent of a court's pending case inventory, or backlog of cases, is also an important group of indicators to show how well the court is able to keep pace with the incoming caseload. Even in an ideal court system - which would be able to match increases in caseload with increases in resources - there is always an inventory of pending cases. A balance must be maintained between in-coming cases and cases disposed, such that the size of this inventory at any one time is just sufficient to supply a steady stream of work to the available judges and courtrooms. One way to measure a court's success in maintaining this balance is to review the number of cases received, disposed and pending, and the length of time that the pending caseload has been waiting for trial. Accordingly, the court's objective is to maintain an inventory of cases that can be processed in an acceptable time period. Any inventory which exceeds this volume becomes the backlog of cases. Changes in the level of case inventories over time can be used as an indicator of how well the court administrative system is run and as an early warning signal of possible future difficulties in the time to trial category mentioned above.

Use of Courtrooms

From a financial resource allocation perspective, measures of the use of courtrooms indicate how well a large part of both capital and associated human resources dedicated to the administration of the courts are being used. They also give some indication of the extent to which the capacity of the court facility has been reached.

Events should be scheduled in a manner which utilizes courtrooms to their fullest extent, within established scheduling parameters. Whenever measurements of courtroom hours are reviewed, the reader must bear in mind that trial scheduling - the task of matching cases, judges, counsel, crown attorneys, witnesses and courtroom staff to available courtrooms - is an inexact science at best. While it is accepted that full utilization is unattainable, matters are scheduled to achieve the maximum use of courtrooms in order to process the existing inventory of cases waiting to be heard.

GENERAL DIVISION

1. Time to Trial

There are several stages to bring a civil matter to trial in the Toronto Region, some of which are determined by counsel for the parties involved and some determined by the court's scheduling system. Once a civil matter is set down for trial, there is currently an 8 to 10 month wait for a pre-trial date. Pre-trial dates are assigned based on the availability of judges to hear civil pre-trials and the estimated length of the pre-trial. Once the pre-trial has been held, counsel for the parties select their own trial date. They can choose to select a date for the following month or the following year as the court does not strictly control the setting of this date. However, due to the current volume of cases which have been set for trial, there is currently a wait of approximately 3 weeks between the selected trial date and the actual trial.

For criminal matters, the court controls the setting of trial dates in order to expedite the case. As of February 1, 1992, a criminal case must wait an average of three months from the date of committal until a trial is held. This three month period is within the 6 to 8 month guideline established by the Supreme Court of Canada's ASKOV decision, and the Ministry's commitment to expedite the processing of criminal matters following this decision. This current time to trial of three months is potentially jeopardized by the increased number of lengthy trials before the court and pressures to divert courtrooms away from criminal matters in order to address the significant civil backlog which has developed.

Appointments to have a motion heard before a judge or a master are currently being set 8 to 10 weeks in the future. Appointments for party and party assessments are being set 6 to 8 weeks in the future. Solicitor and client assessments under the Solicitor's Act require a 3 month wait if the bill of cost is less than \$15,000, or an 11 month wait for a bill of cost exceeding that amount. An appointment for a hearing before a registrar under the Landlord and Tenant Act can be scheduled within 2 to 3 weeks.

2. Court Office Service Levels

Due to the nature of the litigation in the General Division, there is a considerable amount of documentation which must be filed with the court office in accordance with the Rules of Civil Procedure. This administrative service is required both prior to any court appearance, and following a hearing before a judge or other official.

CHART #17

TYPE OF SERVICE	AVERAGE WAIT	
	361 University	145 Queen
Express Desk	N/A	0.25 Hours
Short List	1.5 - 2 Hours	2 - 3 Hours
Long List	2 Hours	3 Hours
Family Office (145 Queen)	N/A	15 Minutes
Landlord & Tenant Desk (361 University)	1/2 - 1 Hour	N/A
Sheriff's Execution Search Office (Atrium Office)	15 Minutes	

A high volume of civil documents are filed in Toronto every day. Many of the court's clients file a large number of documents at a time. Several alternative arrangements for attending to clients quickly and fairly have been tested to ensure that those clients requiring long periods of time with a counter clerk to complete their work are served,

while at the same time enabling clients with only a single piece of business to complete their filing quickly. As a result, clients 'sign in' on different lists at the court office, and are assisted on a first-come-first-serve basis. The Express Desk services clients with one item, while the Short and Long Lists are intended for clients filing 3 or less and more than 3 documents respectively. Chart #17 indicates the average wait for service at the General Division civil and family offices.

Clients also rely on the court office to process a number of post-court documents such as judgements and orders, default proceedings and enforcement of judgements and orders. Chart #18 shows the average length of time required to complete a variety of these processes.

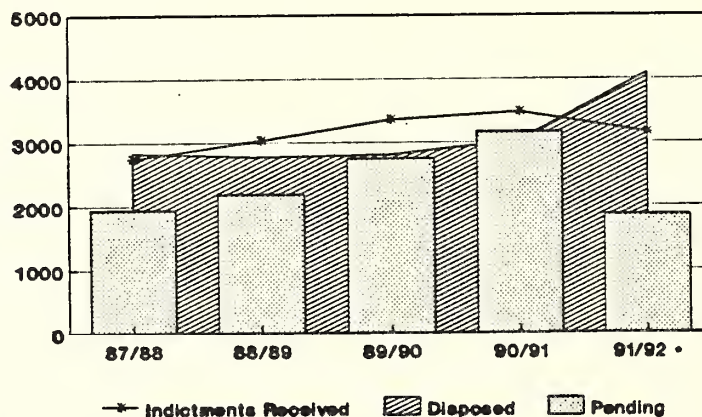
CHART #18

TYPE OF SERVICE	AVERAGE WAIT	
	361 University	145 Queen
Default Judgements	3 Days	1 - 2 Days
Signing of Orders	2 - 3 Days	1 - 2 Days
Undefended Divorces (145 Queen)	N/A	4 - 5 Days
Landlord & Tenant Judgements (361 University)	2 Days	N/A
Enforcement & Executions (361 University)	2 Weeks	N/A

3. Pending Caseload

CHART #19

**PENDING CASELOAD
GENERAL DIVISION CRIMINAL**

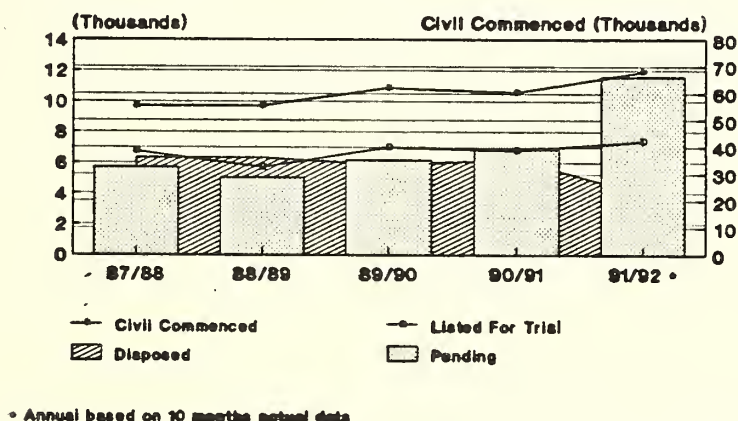


• Based on 9 months actual data

As Chart #19 shows, the General Division has achieved considerable success in reducing the number of criminal cases awaiting trial in the past five years. The number of indictments disposed in the past two fiscal years includes the more than 360 indictments stayed or dismissed and 11 indictments withdrawn by the Crown since October of 1990 due to Askov-related arguments and the Ministry's province-wide ASKOV response strategy. The number of cases awaiting trial for more than 6 months has been reduced from 49% of all cases in October of 1990 to 21% in October of 1991.

CHART #20

PENDING CASELOAD GENERAL DIVISION CIVIL & FAMILY

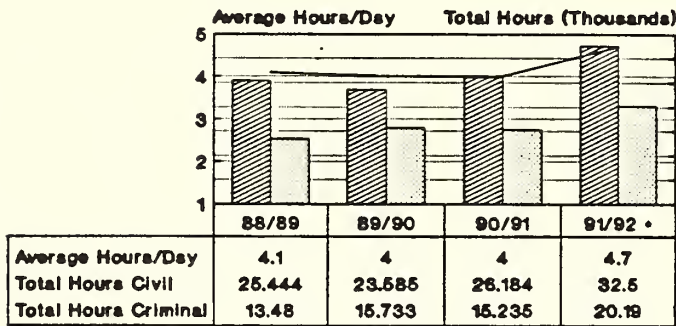


However, this success in disposing of criminal matters required a reallocation of judge and courtroom resources away from civil matters, resulting in an increasing number of trial-ready civil cases (Chart #20). As of March 1992 there were more than 11,500 civil cases which had been set down for trial and were awaiting disposition. Only a small portion of these matters will ever actually proceed to trial. Many civil cases will settle following the mandatory pre-trial which is scheduled for every case, with the majority settling at some stage prior to actually reaching the trial date.

As noted previously, counsel choose their own trial dates for civil matters. While an inventory of trial ready cases should be maintained at all times in order to provide a steady flow of cases to the judges and courtrooms, an excessive pending caseload results in reduced incentives for parties to settle a case prior to trial. While there is not the same sense of urgency in expediting civil cases as with criminal cases because an individual's Charter rights are not in jeopardy, a high pending caseload of civil matters ultimately results in reduced access to the courts and increased costs to the litigants.

4. Use of Courtrooms

CHART #21
COURTROOM HOURS
GENERAL DIVISION

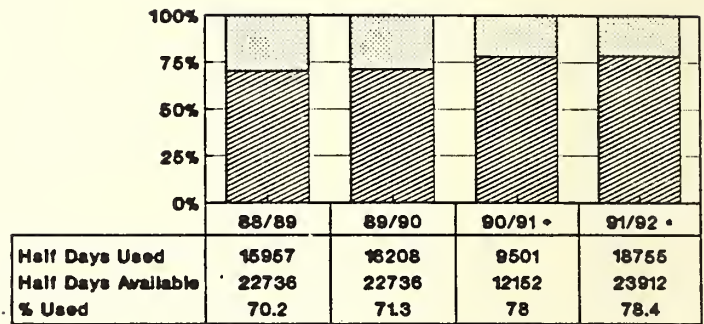


— Average Hours/Day ▨ Total Hours Civil
 □ Total Hours Criminal

Source: Total Hours - Daily Crim. Utiliz'n Sheets
 Avg. Hours - Information Planning & Court Statistics Reports
 • Represents Civil & Family Only
 • Criminal not available
 • Annual based on 10 months actual data

• Annual based on 11 months actual data

CHART #22
HALF DAYS USED
GENERAL DIVISION



▨ % Used

Source: Information Planning & Court Statistics Reports

Chart #21 illustrates increasing trends for both the total courtroom hours used and the average hours used per sitting day in the General Division in Toronto over the past 4 years. The total number of courtroom hours used increased by 35.4% during this period of time, comprised of a 27.7% increase in courtroom hours used for civil and family matters and a 49.8% increase for criminal matters.

Chart #22 provides an alternate method for measuring courtroom use by showing the number of half days used by the General Division. Over the past four years, the number of half days used has increased by 17.5%. The percentage of half days available which are used has also increased from 70% in 1988/89 to 78.4% of half days available being used in 1991/92. These increases are due to a combination of factors, including an increase in the number of judges since regionalization in 1990, 3 additional courtrooms and more effective use of courtroom facilities.

PROVINCIAL DIVISION

1. Time to Trial

As noted earlier, in criminal matters the court system has an obligation under the Charter of Rights and Freedoms to try an accused within a reasonable period of time. Following the Supreme Court of Canada's decision on the ASKOV case in October of 1990, a general guideline for trial within a reasonable time was determined to be in the period of 6 to 8 months for criminal matters. While the ASKOV decision dealt specifically with criminal charges, this general time to trial has also been adopted for provincial offences trials, and the acceptable time for young offenders matters is considered to be even shorter.

CHART #23

TYPE OF CASE	METRO CENTRAL	METRO EAST	METRO NORTH	METRO WEST
CRIMINAL	4 Months	7 Months	4 Months	3 Months
YOA PHASE I	3 Months	2-3 Months (Combined)	3 Months	2 Months
YOA PHASE II	3 Months		3 Months	3 Months
POA I & III DAY COURT	3 Months	4 Months	3-4 Months	5 Month (East Mall) 5 Months (Keele)
POA I & III NIGHT COURT	4 Months	6 Months	4-5 Months	5 Month (East Mall) 5 Months (Keele)
ACCIDENTS	4 Months	5 Months	3 Months	5 Months (East Mall) 6 Months (Keele)
PARKING DAY COURT	3 Months	2 Months	1-2 Months	3 Months (East Mall) 4 Months (Keele)
PARKING NIGHT COURT	11 Months	11 Months	3 Months	10 Months (East Mall) 4 Months (Keele)
FAMILY	4-4.5 Weeks	4-6 Weeks	2-5 Weeks	4-5 Weeks

The times to trial shown in Chart #23 indicate the length of time between the laying of an information or the initiation of a matter and the first trial date set. For criminal matters, Metro East is experiencing a 7 month waiting time for trial dates, which is approaching the outer limit of the acceptable range set in ASKOV. All other criminal court locations in Toronto are providing trial dates within 90 to 120 days, which is well within the established parameters of a reasonable time to trial. Appendix #2 indicates the specific court locations in each of Metro Central, Metro North, Metro East and Metro West.

The scheduling of trial dates for parking matters where a night trial has been requested shows a lengthy delay in the Metro Central, Metro East and Metro West locations, with a time to trial of 10 to 11 months. This delay reflects the public's increasing demand for night court trials for these matters. It should also be noted that the scheduling of dates for these matters is dependent on the availability of the police officer involved. As

mentioned above under the "Highlights" section of this report, a pilot project to increase the number of night court sessions opened in Toronto Region is aimed at reducing these delays in trial dates for night court matters.

2. Court Office Service Levels

Clients in the Provincial Division courts are usually able to rely on standard forms which are required to initiate or complete a matter and are provided by the court office. As a result, counter service in the Provincial Division is relatively quick, as indicated in Chart #24.

CHART #24

TYPE OF SERVICE	METRO CENTRAL	METRO EAST	METRO NORTH	METRO WEST
Signing of Family Court Orders	2-3 Weeks	2 Days	1-5 Days	5 Days
Family Intake	30-40 Minutes	10 Minutes	10 Minutes	10 Minutes
Walk-In-Guilty Pleas & Reopenings	1 1/4 Hours	10-30 Minutes	45 Minutes	10-30 Minutes
Criminal Counter (Inquiries)	1-5 Minutes	5 Minutes	5-10 Minutes	5 Minutes
Justice of the Peace Counter				
- Family	10 Minutes	N/A	N/A	N/A
- Criminal	5 Minutes	45 Minutes	5-15 Minutes	5-10 Minutes
Fine Payments/Cashier	5-10 Minutes	15-20 Minutes	5-15 Minutes	5 Minutes

3. Pending Caseload

A growing number of criminal charges awaiting trial had developed throughout Ontario during the 1980's and into the 1990's, reflecting an inability of the criminal court system to dispose of cases fast enough to offset the growing number of cases entering the courts. As a result, significant inventories of cases developed in Toronto and throughout the Province. In 1989, the Ministry's Court Reform Task Force initiated the Criminal Delay Reduction Project in six of the most backlogged courts in Ontario, with Scarborough being one of these locations.

In October of 1990, the problem of criminal delay and growing pending caseloads was further highlighted with the Supreme Court of Canada's decision in the ASKOV case. As part of the Ministry's strategy in response to the ASKOV decision, additional resources were assigned to Toronto criminal courts. In addition, more than 7,300 criminal charges in the Toronto Region's Provincial Division courts were stayed, dismissed or withdrawn by the court.

CHART #25
PENDING CASELOAD
PROVINCIAL DIVISION
CRIMINAL

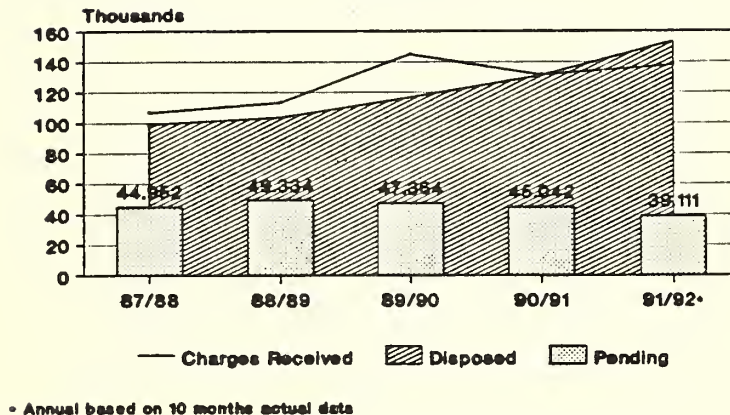
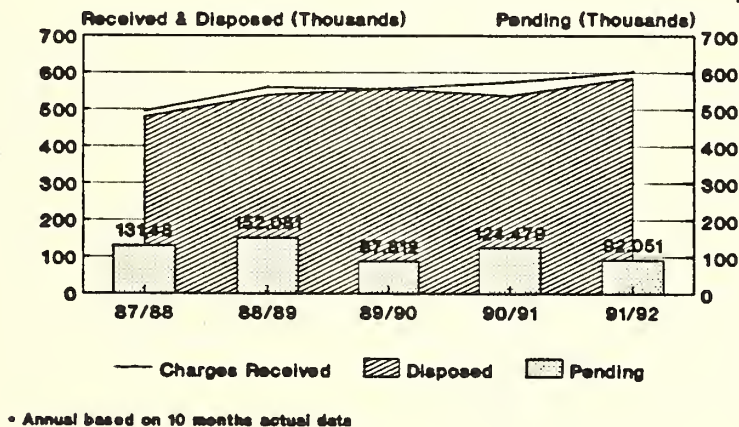


Chart #25 illustrates this chronology of dealing with pending criminal caseloads in Toronto, with an increase in the number of cases disposed following the stays/dismissals and withdrawals following the ASKOV decision in 1990, and a reduction of more than 17% in the number of cases awaiting trial in the past three years.

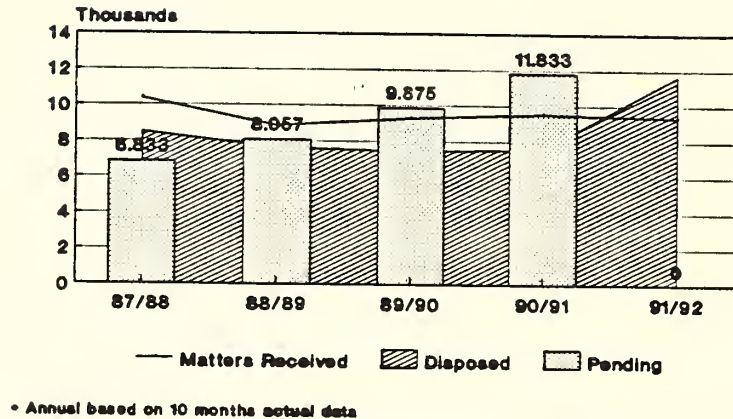
CHART #26
PENDING CASELOAD
PROVINCIAL DIVISION
POA I & III



The pending inventory of Provincial Offences Part I and III matters has decreased over the past five years, from a total of 131,480 charges pending in 1987/88 to a total of 92,051 charges pending as of February 28, 1992 (Chart #26). Statistics for the number of Provincial Offences Part II matters pending are only available for the past two fiscal years. In 1990/91 a total of 246,151 Part II matters were pending and this has been reduced to 142,078 matters pending as of February 28, 1992. The majority of Part II matters are parking infractions.

CHART #27

PENDING CASELOAD PROVINCIAL DIVISION FAMILY



The number of family matters pending in the Provincial Division has steadily increased over the past five years (Chart #27).

4. Use of Courtrooms

CHART #28

COURTROOM HOURS PROVINCIAL DIVISION CRIMINAL & P.O.A.

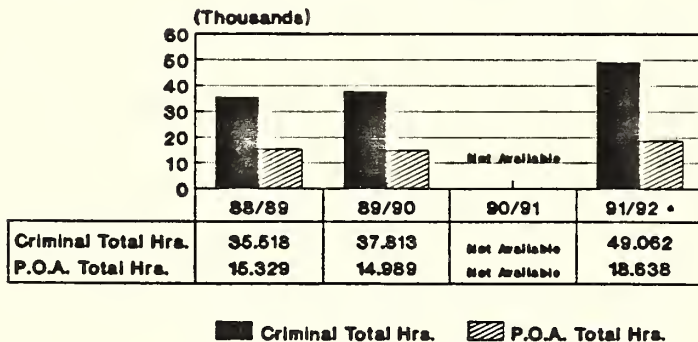
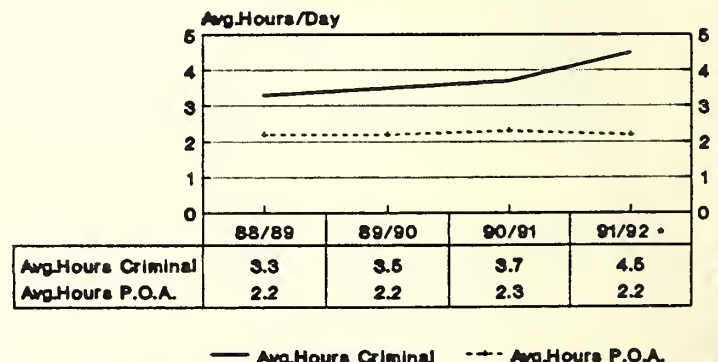


CHART #29

AVERAGE HOURS PER DAY PROVINCIAL DIVISION CRIMINAL & P.O.A.



• Annual Based on 11 months actual data from Area-Produced Courtroom Utilization Spreadsheets

Source: Information Planning & Court Statistics Reports

SOURCE: Information Planning & Court Statistics Reports

• Annual based on 11 months actual data from Area-produced courtroom utilization spreadsheets

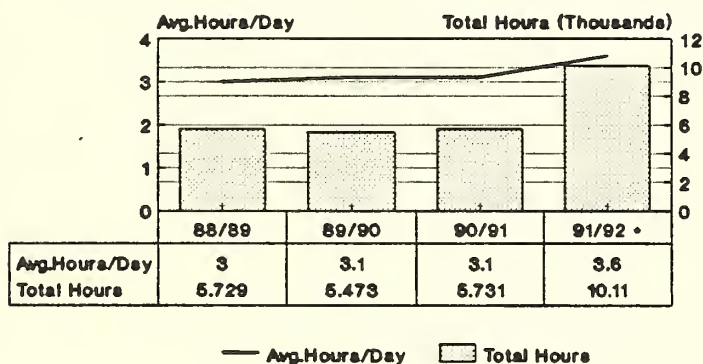
The total number of hours used in the Provincial Division for criminal charges has increased by 38% over the past four years with a 21.5% increase in the total courtroom hours used to hear Provincial Offences, as shown in Chart #28. The average hours used per sitting day has also increased for both these types of matters over this period of time (Chart #29). These increases can be attributed to a combination of factors, including marginal increases in the number of judges to hear criminal matters and in the number of courtrooms in the Provincial Division during this period of time and more effective use of courtroom facilities. As noted above in Chart #12, the number of judges in the Provincial Division increased by 4 between 1988/89 and 1991/92 and one courtroom was added to Metro North during this same period of time.

CHART #30

COURTROOM HOURS

PROVINCIAL DIVISION

FAMILY



Source: Information Planning &
Court Statistics Reports

* Annual based on 11 months actual data from
Area-produced courtroom utilization spreadsheets

Chart #30 indicates a 76% increase in the total number of courtroom hours used for family matters in the Provincial Division over the past four years, as well as an increase in the average number of hours used per sitting day over this same period of time. As only one judge has been added to the family bench during the past four years, these increases are primarily due to more effective use of existing resources.

CHALLENGES FOR 1992 AND BEYOND

As governments in Canada continue to face a declining economy, public sector managers and staff will have to continue to search for innovative ways to improve the efficiency of operations with existing or even reduced resource levels. In its first two years the Toronto Region implemented a number of systemic improvements to help it deal with this challenge. Undoubtedly much more remains to be done. This section outlines some possible initiatives that have been identified to help the Toronto Region deal with the challenges of its changing environment in the coming years. This list will continue to be revised as a result of the Region's consultation with other participants in the court system as well as the Ministry's funding of the investments required to implement some of these projects.

The possible projects outlined in this section do not comprise a comprehensive plan for the Toronto Region for 1992. Rather they are intended to illustrate the types of major initiatives that could be implemented in the Region if adequate support was reached following consultation and if investment resources were available. As such, these projects include improvements to court facilities, enhancing the General Division trial scheduling function, strengthening the Small Claims Court, streamlining the processing of parking tags, enhancing court office service to the civil bar and strengthening support to the Metropolitan Toronto Police. Following are brief explanations of each of these projects.

COURT HOUSE FACILITIES

Toronto Court Complex

In the Fall of 1991, Attorney General Howard Hampton announced plans to construct a number of new court facilities across the province, including plans to obtain a consultant to prepare the preliminary design for the Toronto Courts Complex. The consultant, who should be selected by the summer of 1992, will work together with the Ministry's Facilities and Special Court Services branch, the Ministry of Government Services and Toronto Region's court managers to complete extensive consultations with the judiciary, bar, police and other justice system groups in Toronto. The outcome of this process will be a functional programme outlining the new court facility's operational requirements and a facility plan, which will serve as a blue-print for an architect to subsequently prepare the final design.

Ontario Court (General Division) - Additional Civil Jury Courtrooms

Additional courtrooms are currently required for civil trials in the General Division on an urgent basis. As discussed in this report, an inventory of over 10,000 civil cases awaiting trial dates has developed, which in the absence of additional courtrooms creates pressure on the judiciary to reallocate existing courtrooms diverted to criminal trials back to civil matters. As the Toronto Region Crown Attorneys have indicated, this reallocation of resources is not a viable alternative

since any depletion in the existing number of courtrooms assigned to criminal trials could result in another ASKOV situation, putting numerous serious criminal charges in the General Division at risk of being stayed or dismissed due to lengthy delays in bringing these matters to trial.

Approval from Treasury and Management Board has been requested by the Facilities and Special Court Services Branch to lease additional space in the proximity of the 361 University Avenue court house to provide 5 additional civil jury courtrooms for the General Division. If approval is obtained, the courtrooms would be completed and ready for use by October of 1992.

Scarborough Court Facilities

As a result of the additional resources assigned to the Scarborough criminal court at 1911 Eglinton Avenue East following the ASKOV decision, plans have been finalized to expand the court facility into adjacent space currently occupied by the Ministry of Community and Social Services. The court facility will be reconfigured to create additional accommodation for the crown attorneys and police, and to provide 2 additional courtrooms for criminal matters. The improved accommodations will enable the Scarborough criminal court to provide more timely trial dates and reduce its current backlog of cases by implementing practices similar to those used in Metro West, such as pre-trials and an individual calendaring system.

COMPUTERIZATION OF CIVIL TRIAL SCHEDULING IN THE ONTARIO COURT (GENERAL DIVISION)

While the Ontario Court (General Division) court offices were automated in the Fall of 1991, the impact of this automation on the civil trial scheduling office will not be felt until the existing inventory of cases has been cleared from the system. This would take approximately 18 to 24 months, due to the average time period between the initiation of an action and when the matter is set down for trial. As the largest trial scheduling office in the province, a number of efficiencies would be gained by accelerating the computerization of this operation. In order to accomplish this, the existing inventory of more than 10,000 cases must be entered into the computer system.

Once fully automated, trial scheduling staff will be able to access judges' schedules, courtroom assignments and case information through the automated system, to assist in the complex process of matching cases to available judges and courtrooms. The number of person years currently devoted to extracting reliable management information on the large number of cases awaiting trial will also be significantly reduced.

STRENGTHENING THE SMALL CLAIMS COURT

Conversion of Fee-For-Service Staff

The Small Claims Court offices in Ontario have traditionally been operated as private businesses, with the clerks and bailiffs acting much like "independent contractors" in providing court services to the public on behalf of the Ministry. This arrangement is somewhat modified for the four high volume Toronto Small Claims Court locations, where the Ministry sets the salaries of the clerk and staff, determines staffing levels and provides court accommodation.

In 1990, the issue of the status of the small claims courts in the public service and the justice system was brought into focus. The Ontario Labour Relations Tribunal decision in September of 1990 determined that small claims court staff should be considered public servants and not as independent fee-for-service operations. Accordingly, the Ministry has undertaken a commitment to convert staff in the small claims court system to public servant status.

Small Claims Court Jurisdiction Increase

The Small Claims Court system in Ontario was designed to provide a forum where the public could resolve modest claims quickly and inexpensively, without the encumbrance of complicated rules or the need to retain professional legal representation. The monetary jurisdiction of the Small Claims Court in Ontario is currently \$1,000, with the exception of the Toronto courts, where the jurisdiction has been \$3,000 since a pilot project was implemented and then adopted in 1980.

In keeping with the Ministry's objective of improving uniform access to justice, the government announced plans to increase the jurisdiction of the Small Claims Courts across the province. In addition to eliminating the current disparity between the jurisdiction in Toronto and the rest of the Province, increasing the monetary limit will address the impact of the effects of inflation and the need to provide an alternative to the high costs of resolution in the General Division for litigants with modest claims.

The Program Development Branch of the Courts Administration Division is leading the implementation of the jurisdiction increase. This change in the court's jurisdiction is anticipated to increase the court's workload, and staff in the Program Development Branch, the Toronto Regional Office and the Small Claims Courts are working together to ensure a smooth transition to the new monetary jurisdiction.

STREAMLINING THE PROCESSING OF PARKING TAGS

New legislation regarding parking infractions was implemented in Toronto in September of 1989. While the Provincial Offences Act Part II created a simplified process for enforcing parking fines, it also placed a significant administrative workload on the court system. In

Toronto Region, the volume of Part II offences has outstripped the court system's ability to provide adequate resources to process these matters. The result has been the development of significant backlogs of these matters.

In order to address this problem, discussions have been held with Metropolitan Toronto to transfer a portion of the administrative responsibility for processing parking infractions to the municipality. Legislative changes are required to complete such a change and efforts are currently underway to explore the implementation of this transfer of responsibility.

COURT OFFICE SERVICES TO THE CIVIL BAR

Debit Card System

It has been proposed that a pilot project implemented in the Ottawa court house during the Fall of 1990, which enables court clients to pay court fees using their bank debit cards, be extended to court locations in Toronto. This system allows for immediate and direct transfers from the client's bank account to the Treasurer of Ontario's account using a bank card. The initial cost of the equipment to operate the system would be offset by the elimination of current ongoing administrative and real costs associated with processing 'NSF' cheques. Use of the bank card to make court payments may also be preferred by clients, as it eliminates the need to carry cash or cheques.

Automated Writ Search System

Writs of execution filed against individuals and corporations are filed and recorded in a branch of the sheriff's office located at the Atrium on Dundas Street. A high number of clients search these records on a daily basis, most often in relation to real estate transactions. Traditionally, these records are maintained in a manual "writ book" which must be searched to locate a particular record. With over 130,000 writs maintained in the Toronto office, this searching is a very labour intensive and time consuming function.

In May of 1992, an automated writ system will be introduced to provide on-screen access to this search function. Equipment for this project has been provided following a reallocation of existing computers from the regional office. Part I of the project, which requires funding for additional computer equipment in order to be implemented, will allow staff to access writs quickly and easily through the computer while also enabling the public to access the writ database directly at the counter. Part II of the project will expand public accessibility to enable access from an off-site location using a modem. The automated system will provide more accurate information and faster service to the public and will also allow valuable staff resources to be allocated to other duties within the court office.

SUPPORT TO THE METROPOLITAN TORONTO POLICE

Video Remand Project

One area of potential cost reduction which has been identified is the transportation of in-custody accused from detention facilities to court for remand hearings. The Video Remand project has been proposed to be implemented jointly by the Ministry of Corrections, the Solicitor General, the Metropolitan Toronto Police and the Ministry of the Attorney General. This project will use video teleconferencing technology to permit a court to hear remand matters without the presence of the accused in the courtroom. Sophisticated camera and voice conferencing units would be installed both in a courtroom at the Old City Hall and at the Toronto Jail. The judge, accused, crown attorney and defence counsel would all view the proceedings and each other on monitors at these two locations.

The advantages of a video remand system extend to all participants in the court process, including greater efficiency and better use of court time, increased security through the avoidance of transporting in-custody accused from a detention facility to the court location and improved personal dignity for the accused. Workload savings would also accrue to the Ministry of Correctional Services and the police force, with the reduced number of prisoners to be transported and held at court facilities.

The Video Remand project in Toronto will then be evaluated to determine if this technology should be expanded to court locations throughout Toronto and in other areas of the province.

CLOSING SUMMARY

This report has attempted to reflect the administrative operation of the Toronto Region court system during the first two years of the 1990's. If the trends demonstrated in this report continue, it is quite clear that this decade will pose significant challenges to all of those working in the administration of justice.

From the perspective of Courts Administration there will be a need to prudently manage the financial resources allocated for the administration of courts with the help of an effective budgetary and management information system; to efficiently manage the administration of the courts with the involvement of all court personnel and with the optimum use of technology; to ensure the implementation of progressive human resource policies and training programs for the staff working in the courts. More than ever, there will be a need for co-operative consultation among all the partners and users of the court system.

Finally, there will be a need for those holding positions of responsibility for the administration of courts to be accountable for the use of the resources placed under their care. This is what this report has tried to demonstrate.

APPENDIX #1

WORKLOAD INDICATORS

There are three types of workload indicators:

1. General Division - Registrar Activities
2. General Division - Sheriff Activities
3. Provincial Division - All Activities

Each indicator is the sum of the selected activities listed below for each category.

1. GENERAL DIVISION - REGISTRAR:

Proceedings Commenced - Civil

- o Statements of Claim
 - Motor Vehicle
 - Family Law Act/ Children's Law Act
 - Other
- o Divorce Petitions
- o Applications
 - Family Law Act/ Children's Law Act
 - Other
- o Construction Liens
- o Probates

Divisional Court

- o Appeals
 - General Division
 - Small Claims Court
 - Boards and Tribunals
- o Applications (Criminal)
 - Mandamus
 - Prohibition
 - Certiorari
 - Declaration
 - Stated Case
- o Dispositions
 - Dismissal for Delay
 - Abandoned/Deemed Abandoned
- o Number of Motions Heard by Court

Proceedings Commenced - Criminal

- o Indictments
- o Other
- o Appeals

Motions Filed and Heard

- o Filed
 - Family Law Act/ Children's Law Act
 - Other
- o Heard
 - Family Law Act/ Children's Law Act
 - Other
- o Divorce Judgements
- o Audits

Landlord and Tenant

- o Proceedings Initiated
- o Dispositions
 - By Registrar
 - By Judge
- o Judgements/ Orders
 - Default Judgements
 - Other

Criminal Matters

- o Preparation of:
 - Orders
 - Warrants/ Certificates
 - Fife

Requisitions

- o Payments In/ Out
- o Writs of Execution
- o Garnishments

2. GENERAL DIVISION - SHERIFF:

Searches

- o Search Requisitions
- o Writs/ Liens on Abstracts
- o Jurors Summoned
- o Processes - Persons to be Served

Executions

- o Certificates of Lien
 - Seizure and Sale Writs Filed
 - Writs Withdrawn
- o Notices of Expiry Prepared
- o Writs of Possession Filed
- o Other Enforcement Orders Filed
- o Number of Seizures
- o Levies Conducted
- o Land Sales Initiated
- o Other Sales Initiated

Financial

- o Garnishments Received
- o Trust Account
 - Payments Received
 - Cheques Written
 - Distribution Proposals Prepared
 - Debtors/ Creditors Notified
 - Other Writs Calculated
- o Accountable Warrant
 - Jury Cheques Written
 - Other Cheques Written

3. PROVINCIAL DIVISION:

Criminal

- Charges Received
- Tried in Absentia
- Preliminary Hearings Committed
- Old Fines Paid - Default Enforcement

Provincial Offences

- Defendants Options
- Fail to Respond
- Prepaid Old Fines
- Time Extended
- Default Enforcement

Family

- Adjournment/Motion for Interim Orders
- Received
- Disposed

Young Offender Matters

- Phase I Received
- Phase II Received

2265 KEELE STREET

- POA & Small Claims
- 4 Courtrooms
- 39 Staff
- Leased (\$191.1)
- Expiry Dt.: Apr/92
- Area: 1,862 sq.m.

1000 FINCH AVE.W.

- Criminal
- 7 Courtrooms
- 25 Staff
- Leased (\$590.6)
- Expiry Dt.: Apr/92
- Area 3,657 sq.m.

47 SHEPPARD AVE.E.

- POA, Small Claims & Family
- 11 Courtrooms
- 67 Staff
- Leased (\$1,032.9)
- Expiry Dt.: Aug/95
- Area: 3,290 sq.m.

2130 LAWRENCE AVE.E.

- Small Claims
- 1 Courtroom
- 25 Staff
- Leased (\$105.0)
- Expiry Dt.: Apr/95
- Area: 465 sq.m.

160 SILVERHILL DRIVE

- Family
- 2 Courtrooms
- 10 Staff
- Leased (\$118.3)
- Expiry Dt.: Dec/93
- Area: 1,308 sq.m.

1911 EGLINTON AVE.E.

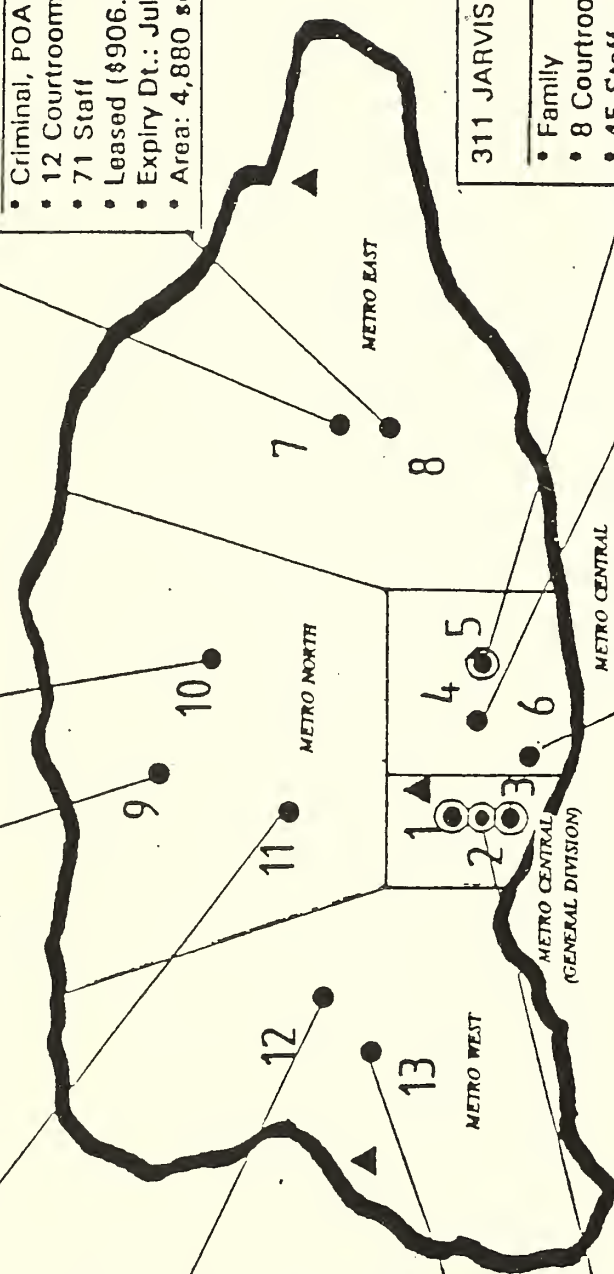
- Criminal, POA & Family
- 12 Courtrooms
- 71 Staff
- Leased (\$906.0)
- Expiry Dt.: July/92
- Area: 4,880 sq.m.

80 THE EAST MALL

- Criminal & POA
- 11 Courtrooms
- 48 Staff
- Leased (\$356.9)
- Expiry Dt.: Apr/92
- Area: 4,920 sq.m.

GENERAL DIVISION

- 361 University Ave
- 31 Courtrooms
- Osgoode Hall
- 6 Courtrooms
- 145 Queen St.W.
- 13 Courtrooms
- 180 Dundas St.
- 2 Courtrooms
- 145 King St.
- 1 Courtroom
- 516 Staff



311 JARVIS STREET

- Family
- 8 Courtrooms
- 45 Staff

60 QUEEN STREET W.

- Criminal & POA
- 28 Courtrooms
- 236 Staff
- Leased (\$4,346.6)
- Expiry Dt.: Mar/99
- Area: 18,293 sq.m.

444 YONGE STREET

- Criminal & Small Claims
- 10 Courtrooms
- 68 Staff
- Leased (\$1,246.1)
- Expiry Dt.: Jul/94
- Area: 5,304 sq.m.

- Government Owned Facility
- Leased Facility
- ▲ Sites Available

**METRO TORONTO REGION
CURRENT COURT FACILITIES.**

MINISTRY OF THE
ATTORNEY GENERAL
LAW LIBRARY

